



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,447	03/31/2000	Muhammed Ibrahim Sezan	KLR:7146.065	3680

7590

03/14/2003

Kevin L Russell  
601 SW Second Avenue  
Suite 1600  
Portland, OR 97204-3157

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/541,447

Applicant(s)

SEZAN ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: Page 3 (Specification) is missing. Applicant is required to send a copy of page 3 when filing a response to this office action.

### ***Drawings***

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 4-12 as described in the specification. For example, placing a label, "*Program Categories*", with elements "News, Sports, Movies, and Wildlife" for the images on the left region of the screen, and "*Program Content*" for the images "Title Text" on the right region of the screen of fig. 4, would give the viewer

necessary detail to fully understand this element without substantial analysis and interpretation of the specification. A ***descriptive*** textual label for ***each element or group of elements*** in these figures would be needed.

Any structural detail that is of sufficient importance to be described should be shown in the drawing. Correction is required. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols, which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

4. The relationship between the elements of Fig. 26 is unclear. It is not clear whether there is a relationship between elements 542 and 544, 544 and 546, 552 and 554, and between elements 554 and 556. Also, the description refers to an element 553 but the drawing has an element 552

***Claim Objections***

5. Claim 78 is objected to because of the following informalities: the second occurrence of "football season" must be deleted. Appropriate correction is required.
6. The numbering of claims is incorrect. Claims must be numbered consecutively Beginning with the number next following the highest numbered claims previously presented.

Misnumbered claims 74-84 have been renumbered 69-79 respectively. Claims 71-76 depend on claim 70, and claims 78-79 depend on claim 77.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-52 and 57-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8, 15, 28, 35, 42, 46, 57, 58, 66, and 70 recite a "method... comprising...(a) providing a usage preferences description...(b) providing a usage history description..." The usage preference description may include at least one of 4 different (browsing, filtering, search, and device) preference descriptions. The usage

history description may include at least one of 4 different (browsing, filtering, search, and device) history descriptions. The claim does not recite any relationship between (a) and (b). It is not clear whether the system may have, for example, a usage preferences description including a browsing preference description relating to a user's viewing preferences, and a usage history description including a device usage history description relating to user's history regarding presentation characteristics, without having or needing a browsing history description relating to user's viewing history.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**11. Claims 1-54, 57, and 66-76 are rejected under 35 U.S.C. 102(e) as being anticipated by *Seidman et al* (US 6,298,482 B1).**

Claims 1, 22, 42, 46, 47, 57:

Seidman discloses a method of delivering data (video, audio) from a server to a plurality of subscribers connected to the server (abstract; col. 1, lines 6-7; col. 4, lines 30-44; col. 5, lines 13-22). Seidman teaches a usage preferences description having browsing preferences (col. 2, lines 36-40; col. 3, lines 51-55; abstract), search activity (col. 2, lines 24-26; col. 3, lines 42-46), filtering preferences (col. 2, lines 36-40; col. 7, lines 25-29; col. 8, lines 21-23), search on the basis of keywords (col. 8, lines 30-34), device preferences description relating to user's preferences regarding presentation characteristics (col. 5, lines 13-22, 53-62; col. 6, lines 26-37, 66-67; col. 7, lines 1-19). Seidman teaches a usage history description (col. 3, lines 39-41; col. 4, lines 11-26) having browsing history description (col. 5, lines 53-62; col. 6, lines 1-8, 38-52), filtering history (col. 8, lines 21-23), search history (col. 6, lines 1-8, 38-52), presentation characteristics (col. 9, lines 5-16; col. 12, lines 19-32). Seidman teaches updating the usage preferences description based on the content of the usage history description (col. 2, lines 27-31; col. 3, lines 47-50, 56-62; col. 8, lines 60-67).

Claim 2:

Seidman teaches that the viewer response system (VRS) enables a variety of functions intended for keeping track of a user's viewing history. The historical

information is used, both, at the head end and at the STB, for customization of content (col. 6, lines 1-5), and users can connect the set-top box (STB) to a personal computer (PC) for storage and retrieval of large files (col. 6, lines 23-25). PCs enable users to store data on removable storage devices.

Claims 3-7, 10-14, 23-27, 30-34, 37-41, 48-52, and 69:

See claim 1. Seidman teaches browsing preferences description (col. 2, lines 36-40; col. 3, lines 51-55; abstract), filtering preferences descriptions (col. 2, lines 36-40; col. 7, lines 25-29; col. 8, lines 21-23), and search preferences description (col. 2, lines 24-26; col. 3, lines 42-46), and device preferences description (col. 5, lines 13-22, 53-62; col. 6, lines 26-37, 66-67; col. 7, lines 1-19).

Claims 8 and 21:

See claims 1 and 2. Seidman teaches a usage preferences description separate from the usage history description. Seidman teaches that the user creates a user profile (col. 3, lines 51-62), and that history information is acquired and maintained by monitoring the user's selections and the user's profiles (col. 4, lines 11-26; col. 6, lines 38-52).

Claim 9:

See claim 1. Seidman teaches updating the usage preferences based on the content of the usage history description (col. 2, lines 27-31; col. 3, lines 47-50, 56-62; col. 8, lines 60-67).



Claims 15, 16, 66, and 67:

See claim 1. Seidman teaches that every time the user's system is powered on, after system initialization 17 (which includes identification of the viewer profile), the microcontroller determines if a historical report is due, based on the "historical report period" parameter 59 in the viewer profile. The report may be a summary of viewing activity over the report period, or a more detailed description of viewing behavior based on the "historical report type" parameter 60 in the viewer profile (col. 6, lines 38-52).

Claims 17, 18, and 29:

See claim 15. Seidman teaches that the video programs can be customized at the direction of a user or group of users (abstract; fig. 9; col. 3, lines 56-62; col. 5, lines 63-67; col. 8, lines 60-67; col. 9, lines 1-4). Seidman teaches a user identification description (col. 6, lines 38-52).

Claims 19, 20, and 68:

See claims 17. Seidman teaches that the user may select (usage preference description) a set of program segments which may or may not overlap in the time of their broadcast for display (abstract; fig. 9; col. 3, lines 1-8, 51-55; col. 9, lines 20-26, 61-67). Seidman teaches user identification (col. 6, lines 38-52).

Claim 28:

See claim 1. Seidman teaches a personalized program creation (col. 7, lines 56-66) by user interaction with the system (col. 3, lines 38-40; col. 6, lines 1-8), and by

the user's creation of a profile (col. 3, lines 51-55); a user identification (col. 6, lines 38-52); groups of users (abstract; fig. 9; col. 3, lines 56-62; col. 5, lines 63-67; col. 8, lines 60-67; col. 9, lines 1-4). Seidman teaches that the "personal information enable/disable" parameter 64 in the viewer profile information allows the user to control the amount of his personal information which is included in the historical report (col. 6, lines 49-52).

Claims 35, 36, and 71:

See claim 1. Seidman teaches that the data contained in the usage history description is supplemented in response to the user interacting with the system (col. 3, lines 38-40; col. 6, lines 1-8). Seidman teaches that the data contained in the usage history description is used at the head end to monitor the popularity of programs and advertisements, and to assemble demographic information on viewers (col. 6, lines 1-8).

Claim 43:

See claim 1. Seidman teaches that the user is enabled to update the usage preferences (col. 3, lines 42-46; col. 5, lines 53-62).

Claims 44 and 45:

Seidman teaches selective updating based upon usage preferences description (col. 5, lines 53-61) and usage history description (col. 6, lines 1-8).

Claim 53:

See claim 1. Seidman teaches different settings based on the type of content, time of content presentation, video presentation and audio presentation that is being used (abstract; figs. 5, 6; col. 3, lines 51-55; col. 7, lines 39-46).

Claim 54:

Seidman teaches selection history records (SHR), which are used in the creation of historical reports. A SHR records profile name, date, time, the channel tuned to, the program name, the program category (e.g. news, drama), type of interactivity application (e.g. home shopping), and selection information (col. 7, lines 39-55).

Claim 70:

See claim 35. Seidman teaches that usage history description is provided to the user and the head end, which provides a summary of a video or audio media stream (abstract; col. 3, lines 39-41; col. 6, lines 1-8, 53-65; figs. 5, 6).

Claims 72-76:

See claim 1. Seidman teaches browsing preferences description (col. 2, lines 36-40; col. 3, lines 51-55; abstract), filtering preferences descriptions (col. 2, lines 36-40; col. 7, lines 25-29; col. 8, lines 21-23), and search preferences description (col. 2, lines 24-26; col. 3, lines 42-46), and device preferences description (col. 5, lines 13-22, 53-62; col. 6, lines 26-37, 66-67; col. 7, lines 1-19).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**15. Claims 55, 56, and 58-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Seidman* in view of *Williams et al* (US 5,977,964).**

**Claim 55:**

Seidman teaches time settings (time of content presentation), (figs. 4, 6; col. 7, lines 44-45). Seidman does not teach that the time of content presentation includes at least one of morning, afternoon, evening, weekday, and weekend. However, Williams describes a system controller 104 that dynamically configures system configuration settings of system 100 in accordance with the user preference information found in the user profile corresponding to the identified user. The configuration can be based on the user's preferred system access times (col. 5, lines 42-49), that is a particular time period(s) of the day based on the user's preferred system access times (col. 7, lines 59-65). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Seidman's history records to include Williams's user's preferred access time because it provides the user with programming options that are available at the times that he/she most frequently watches.

Claim 56:

Seidman teaches that the audio signal is encoded and decoded as two channels, with the additional option of Dolby noise reduction and surround sound (col. 11, lines 39-41). Seidman fails to teach an audio presentation device that includes stereo sound, mono sound, surround sound, AC-3, and Dolby Digital. However, Williams discloses a method for automatically configuring a system based on a user's monitored system interaction and user profile (abstract; col. 2, lines 12-22). Williams teaches that a wide range or configurable options can be monitored and stored in user profile database 800. Additional user preferences may be stored (such as, surround sound processing types, including Dolby Surround, Dolby Digital, Dolby Surround Pro Logic, Dolby 3 Stereo, and THX), various surround sound processing modes, stereophonic mode, monophonic mode, etc. (col. 4, lines 45-65; col. 6, lines 50-61). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention, to include Williams's sound configurable options in Seidman's dynamic system for customizing content because, the user is provided with a show that is displayed in the sound that is being broadcasted, that is, the sound that is appropriate to the show.

Claims 58 and 59:

See claim 55. Williams teaches that preferred system access times of the user are identified based on the user profile and the user's preferred access times, that is, the time a particular program is watched and the duration of the program (abstract;

col. 2, lines 1-5; col. 5, lines 42-49; col. 7, lines 44-65; col. 8, lines 1-3; col. 13, lines 13-62; col. 15, lines 64-67; col. 16, lines 1-18). The usage user's profile is updated based on the program duration (abstract; col. 2, lines 12-22).

Claim 60:

See claim 2. Seidman teaches that users can connect the set-top box (STB) to a personal computer (PC) for storage and retrieval of large files (col. 6, lines 23-25). PCs enable users to store data on removable storage devices.

Claims 61-65:

See claim 1. Seidman teaches browsing preferences description (col. 2, lines 36-40; col. 3, lines 51-55; abstract), filtering preferences descriptions (col. 2, lines 36-40; col. 7, lines 25-29; col. 8, lines 21-23), and search preferences description (col. 2, lines 24-26; col. 3, lines 42-46), and device preferences description (col. 5, lines 13-22, 53-62; col. 6, lines 26-37, 66-67; col. 7, lines 1-19).

**18. Claims 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gerace* (US 5,848,396).**

Claims 77 and 79:

Gerace discloses a method for determining behavioral profile of a computer user. The method provides targeting of appropriate audience based on psychographic or behavioral profiles of end users (abstract; col. 2, lines 1-23). Gerace teaches a user

interface object 37c that provides indications of categories of interest to the user and a screen display for each category customized to that user. Various categories of interest include sports, personal information, and the like (col. 6, lines 22-32). Gerace explains that a Home Page 43 provides scores of games and news in the "sports" category. A "General Sports Page" format includes game scores, player standings for baseball, football, hockey, and basketball. Statistics are updated and displayed. Indications of favored teams and game scores for an entire season are also provided on a "Team v. Team Page" Display Object 35c (col. 8, lines 13-41; col. 21, lines 61-67; col. 22, lines 1-9). Gerace does not explicitly teach a plurality of frames comprising usage preferences description associated with a different season of the year such as winter, spring, summer, and/or fall. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include usage preference descriptions associated with a different season of the year because the user is provided with programming or information based on his/her preferences, and on a specific recurrent period of time, so that the user never misses any program of his/her interest.

Claim 78:

See claim 77. Gerace teaches a "sports" category and a page format having programming and additional information of football, baseball, and hockey (col. 8, lines 13-41; col. 21, lines 61-67; col. 22, lines 1-9).

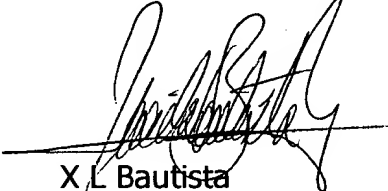
***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Patent Examiner  
Art Unit 2173

xl  
March 7, 2003



**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.